

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RODNEY WHITE,

Plaintiff,

v.

**5:11-CV-309
(FJS/ATB)**

**NEW YORK STATE OFFICE OF CHILDREN
AND FAMILY SERVICES,**

Defendant.

APPEARANCES

OF COUNSEL

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STATE ATTORNEY GENERAL**

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TIMOTHY P. MULVEY, AAG

SCULLIN, Senior Judge

ORDER

On October 4, 2019, the Court entered an Order in which, among other things, it directed the

Clerk of the Court to enter judgment in favor of Plaintiff against Defendant OCFS in the amount of \$2,091,966.04. *See* Dkt. No. 126.

On October 7, 2019, Plaintiff's counsel filed a letter, in which he correctly noted that, although the Court had referred to the fact that the lost pension income that was presently due and owing through December 31, 2017, was \$31,149.72, the Court had failed to include that figure in its final calculation of the judgment. *See* Dkt. No. 128 at 2. On October 8, 2019, Defendant OCFS's counsel filed a letter requesting that the Court defer any action on Plaintiff's request pending full briefing. *See* Dkt. No. 129.

Having reviewed its October 4, 2019 Order, as well as the parties' submissions with regard to that Order, the Court finds that it did, indeed, fail to include the amount of lost pension income that was presently due and owing through December 31, 2017, in its calculation of the judgment. Moreover, the Court finds that there is no need for any further briefing on this issue.

Accordingly, the Court hereby

ORDERS that Defendant OCFS's letter motion, filed on October 8, 2019, *see* Dkt. No. 129, is **DENIED**; and Court further

ORDERS that Plaintiff's letter motion, filed on October 7, 2019, *see* Dkt. No. 128, is **GRANTED**; and the Court further

ORDERS that the Judgment entered on October 4, 2019, *see* Dkt. No. 127, is **VACATED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Plaintiff against Defendant OCFS in the amount of **\$2,123,115.76**, calculated as follows:


Compensatory Damages	\$1,500,000.00
Back Pay Award	\$ 183,313.68
Lost Pension income presently due and owing through December 31, 2017	\$ 31,149.72
Lost pension income presently due and owing (Jan. 1, 2018 through Oct. 31, 2019)	\$ 30,168.60
Attorney's fees	\$ 350,573.00
Costs and expenses	\$ 27,910.76
TOTAL	\$ 2,123,115.76

plus pre-judgment interest calculated pursuant to 28 U.S.C. § 1961(a) until the date judgment is entered and post-judgment interest calculated pursuant to 28 U.S.C. § 1961(a) from the date judgment is entered until Defendant OCFS satisfies the judgment; and the Court further

ORDERS that the first "**ORDERS**" paragraph of the Court's Order dated October 4, 2019, *see* Dkt. No. 126, is **AMENDED** to reflect the calculation of the judgment as set forth above, and in all other respects remains the same.

IT IS SO ORDERED.

Dated: October 9, 2019
Syracuse, New York


Frederick J. Scullin, Jr.
Senior United States District Judge